

REMARKS

In the action of February 25, 2008, the examiner rejected claims 4 and 5, 7, 13 and 15-19 under 35 U.S.C. §102(a) as anticipated by US2004/0088912; rejected claim 3 under 35 U.S.C. §103 as unpatentable over US2004/088912; rejected claims 6, 8 and 9 under 35 U.S.C. §103 as unpatentable over US2004/0088912 in view of Mackowiak; and rejected claims 2 and 14 under 35 U.S.C. §103 as unpatentable over US2004/0088912 in view of Guilfoyle.

The attention of the examiner is directed toward the revocation and power of attorney signed by the applicant, which is enclosed herewith. Please address all further communications to the undersigned at the address provided below.

Applicant and applicant's attorney have reviewed the examiner's action and, in particular, the comments in response to the arguments advanced as to the lack of a binder in applicant's article and method. Applicant's attorney acknowledges the comments of the examiner in her recent telephone call concerning an alleged lack of support in the specification for a limitation specifically excluding a binder.

In this response, applicant has amended the claims to include the transitional phrase "consisting of", as opposed to "comprising". This transitional language thus excludes the presence of a binder. Note page 7, which provides supports for applicant's claim language, including support for "additional material", which could be no additional materials (just a+b), or could be a carrier, such as silica or silicates, and/or an aesthetic agents, such as a dye or pigment, or an odor enhancer. The transitional term "consisting" is again used for the "additional material" limitation.

The independent claims thus exclude a binder, through use of the transitional language "consisting of", as discussed by the examiner in the last office action. The claims are no longer "open-ended". The lack of a binder distinguishes the claims over all of the references cited by the examiner, including Guilfoyle, which teaches the use of high pressure in forming the logs, but includes a wax binder. As indicated in the previous amendments, the references clearly

teach away from applicant's invention, because they all recite the presence of, and significance of, a binder, wax or otherwise. The lack of a binder has significant advantages and results in a different product. Accordingly, both in structure and function, the present claims are distinguished from the references. Allowance of independent claims 1, 13, 17 and 18 is thus respectfully requested. Since remaining claims 2-5, 9, 14 and 19 are dependent from the independent claims, those claims are also allowable. Allowance of the application is now respectfully requested.

This is also to request a one-month extension of time. The required fee of \$60 is enclosed. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account 07-1900.

Respectfully submitted,

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